



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 149

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/416,902        |
| Filing Date            | October 13, 1999  |
| First Named Inventor   | John McGafferty   |
| Art Unit               | 1639              |
| Examiner Name          | P. Ponnaluri      |
| Attorney Docket Number | 05569.0004.DVUS06 |

**ENCLOSURES (Check all that apply)**

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Response to Comply PTO Communication and Notice to Comply; Statement Pursuant to 37 CFR 1.821(f); Sequence Listing; Transmittal of CD; Amendment Accompanying Response to EPO Communication/Notice to Comply; Postcard |
|---|---|---|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |                                  |          |        |
|--------------|----------------------------------|----------|--------|
| Firm Name    | Howrey Simon Arnold & White, LLP |          |        |
| Signature    |                                  |          |        |
| Printed name | David W. Clough, Ph.D.           |          |        |
| Date         | June 10, 2005                    | Reg. No. | 36,107 |

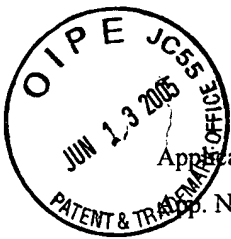
**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                        |      |               |
|-----------------------|------------------------|------|---------------|
| Signature             |                        |      |               |
| Typed or printed name | David W. Clough, Ph.D. | Date | June 10, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): McGafferty, *et al.*

App. No.: 09/416,902

Confirmation No.: 6750

Filing Date: October 13, 1999

Title: Methods for Producing Members of  
Specific Binding Pairs

Art Unit: 1639

Examiner: P. Ponnaluri

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date:

06/10/05

Date

David W. Clough, Ph.D.  
Registration No. 36,107

**RESPONSE TO PTO COMMUNICATION AND NOTICE TO  
COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO  
ACID SEQUENCE DISCLOSURES MAILED OF MAY 11, 2005**

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

In response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure dated May 11, 2005, Applicant submits herewith the following:

- Copy of the Notification to Comply with Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures (2 pages);
- Replacement Sequence Listing under 37 C.F.R. §1.825(a), submitted on a compact disc (two copies of compact disc) under §1.52(e);
- Substitute copy of the Sequence Listing in computer readable form (§1.81(e)), (one copy of compact disc) submitted pursuant to §1.825(b);
- Transmittal Sheet For Submission Of Compact Disc Pursuant To 37 C.F.R. §1.52(e) (1 page);
- Amendments Accompanying Response to PTO Communication/Notice to Comply of May 11, 2005;
- Transmittal; and
- Return receipt postcard.

No additional fees are believed to be due in connection with the filing of this Response. However, should any additional fees be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct the fees from Howrey Simon Arnold & White, LLP Deposit No. 08-3038, referencing the above-identified attorney docket number.



Respectfully submitted,

HOWREY LLP

Dated: June 10, 2005

By:

David W. Clough, Ph.D.  
Registration No.: 36,107  
Customer No.: 22930

HOWREY LLP  
321 N. Clark Street, Suite 3400  
Chicago, IL 60661  
(312) 595-1239 (main)  
(312) 595-1408 (direct)  
(312) 595-2250 (fax)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 09/416,902  | 10/13/1999  | JOHN MCCAFFERTY      | 05569.0004.DVUS06    | 6750             |
| 22930   | 7590        | 05/11/2005           | EXAMINER             |                  |
| HOWREY SIMON ARNOLD & WHITE LLP<br>c/o IP DOCKETING DEPARTMENT<br>2941 FAIRVIEW PARK DR, SUITE 200<br>FALLS CHURCH, VA 22042-2924 |             |                      | PONNALURI, PADMASHRI |                  |
|   |             |                      | ART UNIT             | PAPER NUMBER     |
|   |             |                      | 1639                 |                  |

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
DOCKET DEPT.

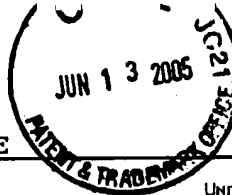
MAY 12 2005

HOWREY & SIMON

DOCKETED  
GB 5/17/05



## UNITED STATES PATENT AND TRADEMARK OFFICE



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WASHINGTON, DC 20231  
www.uspto.gov

| APPLICATION NO. /CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|------------------------------|-------------|--|---------------------|
|------------------------------|-------------|--|---------------------|

09/416,902

EXAMINER

P. Ponnaluri

ART UNIT

PAPER

1639

050605

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 1(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 for the reason(s) set forth on the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR §1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six-month statutory period. Applicant is requested to return a copy of the attached Notice to comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio

(<<<http://www.uspto.gov/ebe/efs/downloads/documents.htm>>>, EFS Submission User Manual - ePAVE)

2. Mailed to:

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 22313-1450  
Alexandria, VA 22313-1450

3. Mailed by Federal Express, United Parcel Service or other delivery service to:

U. S. Patent and Trademark Office  
Box Sequence, Room 1B03-Mallroom  
Crystal Plaza Two  
220 20<sup>th</sup> Street S.  
Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:

Patent and Trademark Office  
Sequence, Customer Window, Lobby, Room 1B03  
Crystal Plaza Two  
220 20<sup>th</sup> Street S.  
Arlington, Virginia 22202

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Padmashri Ponnaluri whose telephone number is 571-272-0809. The examiner is on Increased Flex Schedule and can normally be reached on Monday through Friday between 7 AM and 3.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

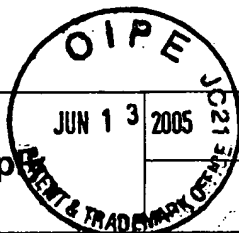
PIPE

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Padmashri Ponnaluri  
Primary Examiner  
Art Unit 1639

05 May 2005

  
PADMASHRI PONNALURI  
PRIMARY EXAMINER



# Notice to Comply

Application No.

09/416,902

Applicant(s)

McCafferty et al

Examiner

P. Ponnaluri

Art Unit

1639

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:.

### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

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